IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2421 of 1997

HONOURABLE MR.JUSTICE KS JHAVERI

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SHIRISHCHANDRA SAMRATHLAL VAIDYA - Appellant(s)
Versus
BANK OF INDIA - Defendant(s)

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Appearance :
MR AS VAKIL for Appellant(s) : 1,
MR PA MEHTA, Advocate for NANAVATI ASSOCIATES for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 21/07/2006

ORAL JUDGMENT

1. This appeal is directed against the judgement and decree dated 31st March 1997 passed by the City Civil Court, Ahmedabad in Civil Suit No.3122 of 1987 whereby the suit was partly decreed.

2. Heard the learned Advocates for the parties at length. At the time of last hearing the Court had made a suggestion to settle the dispute amicably. The parties have fairly considered and accepted the suggestion and it is reported that the parties have settled the dispute whereby it is agreed that the present respondent-original defendant shall pay a lump sum payment of Rs.8,31,000/- towards the full and final settlement of the claim of the appellant-

plaintiff in the suit. Accordingly by consensus the following order is passed:

> “The respondent-original defendant shall pay a lumpsum amount of Rs.8,31,000 (Rupees eight lacs thirtyone thousand only) to the present appellant-original plaintiff towards full and final settlement of all the claims of the present appellant-original plaintiff. Such payment shall be made within a period of 15 days from today. On payment of the aforesaid amount the entire claim of the appellant shall stand satisfied and there shall not be any further claim on the part of the appellant. It is clarified that this order shall not be treated as a precedence in any other proceedings. It is further clarified that the observations made by the trial court will not come in the way of the the respondent bank in any other proceedings. It is also observed that the respondent bank will not take any action against the appellant-plaintiff in respect of these proceedings since the matter is settled between the parties.”

3. In view of the above the respondent bank will pay a sum of Rs.8,31,000/- to the appellant-plaintiff as directed hereinabove by way of full and final settlement of the claim. The respondent bank will abide by the settlement arrived at hereinabove. The

judgement and decree of the trial court is modified accordingly. Appeal stands allowed to the aforesaid extent. No order as to costs.

[K.S. JHAVERI, J.]

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